

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JESSE ARON ROSS.

Plaintiff,

V.

BRIAN SANDOVAL et al.,

## Defendants

Case No. 2:17-cv-02386-APG-GWF

**ORDER ACCEPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATION ON MOTION  
FOR PRELIMINARY INJUNCTION**

(ECF Nos. 8, 35)

Plaintiff Jesse Ross, who is a prisoner in the custody of the Nevada Department of Corrections (NDOC), filed a motion for a preliminary injunction directing the defendant to provide him with necessary dental treatment. ECF No. 8. After conducting an evidentiary hearing, Magistrate Judge Foley entered his Findings and Recommendation recommending that the motion be granted in part. ECF No. 35. Mr. Ross filed a limited objection to the Findings and Recommendation (ECF No. 39) and the Government filed a response (ECF No. 40). Pursuant to Local Rule IB 3-2(b), I have conducted a *de novo* review of the portions of Judge Foley's Findings and Recommendation to which Ross objected. Judge Foley's Findings and Recommendation sets forth the proper legal analysis and factual basis for the decisions, and I adopt it as my own. Subsequent to the entry of that recommendation, the parties filed updated status reports. ECF Nos. 36, 38, 41. Based on those reports, it appears that most of Judge Foley's recommendations have been satisfied, as follows:

22 Ross was treated by Dr. Sanders on March 12, 2018. ECF No. 38 at 2. On April 9, 2018,  
23 Dr. Sanders again treated Ross. ECF No. 41-1. This time, she performed a dental examination  
24 took x-rays, diagnosed his dental condition, and provided prompt and timely treatment for  
25 conditions that were causing, or are likely to cause in the near future, severe pain and deterioration  
26 of Ross's teeth or gums. *Id.*

27 Dr. Sanders's Declaration states that none of Ross's three remaining teeth that exhibit  
28 decay, and none of the dental conditions he is experiencing, are causing severe pain or are likely

1 to cause severe pain in the near future. *Id.* at ¶¶ 6, 10. Further, Ross does not need a partial denture  
2 to prevent gum deterioration or any other serious dental condition. *Id.* Ross is on the waiting list  
3 for additional treatment and he will receive future dental treatment in accordance with  
4 constitutional norms. I expressly adopt Judge Foley's recommendation that if it is determined that  
5 Ross is experiencing severe pain from more than one tooth or dental condition, treatment of those  
6 conditions may not be deferred for weeks or months based on a policy or practice that limits the  
7 provision of treatment to "one tooth at a time," or "one quadrant at a time." Instead, reasonably  
8 available dental treatment should be expeditiously provided to alleviate Ross's severe pain.

9 IT IS HEREBY ORDERED that Magistrate Judge Foley's Findings and Recommendation  
10 (**ECF No. 35**) is accepted. Mr. Ross's motion for injunction (**ECF No. 8**) is partly granted as  
11 set forth in Magistrate Judge Foley's Findings and Recommendation and above.

12 DATED THIS 25th day of April 2018.



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14 UNITED STATES DISTRICT JUDGE  
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